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14 TETSUYA NAKAMURA

15
16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA
18

19 TETSUYA NAKAMURA,

20 Plaintiff,

21 v.

22 SUNDAY GROUP INCORPORATED, SGI
TRUST, TOSHIKI (TODD) MITSUISHI,
23 JAMES PACK and JOHN DOES 1-10,

24 Defendants.
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Case No.: 2:22-cv-01324-MMD-EJY

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF REPLY MEMORANDUM
IN SUPPORT OF MOTION TO DISMISS
COUNTERCLAIMANTS' AMENDED
COUNTERCLAIMS

Dr. Tetsuya Nakamura (“Plaintiff” or “Counterdefendant”) hereby requests that the Court take judicial notice of or otherwise consider the document attached as Exhibit A to the accompanying Declaration of Felix S. Lee in Support of Dr. Nakamura’s Reply Memorandum in Support of Motion to Dismiss Counterclaimants’ Amended Counterclaims (the “Lee Declaration”), pursuant to Federal Rule of Evidence 201. The document to be considered is as follows:

1. The First Amended Complaint in *Local Ad Link, Inc. v. AdzZoo, LLC*, Case No. 2:09-cv-01564-RCJ-LRL, in the United States District Court for the District of Nevada (ECF No. 21-2), a true and correct copy of which is attached as **Exhibit A** to the Lee Declaration. Exhibit A was the operative complaint before the Court in the decision *Local Ad Link, Inc. v. AdzZoo, LLC*, 2009 WL 10694069 (D. Nev. Dec. 15, 2009), a decision cited by the parties to this case in support or opposition of Dr. Nakamura’s Motion to Dismiss Counterclaimants’ Amended Counterclaims.

I. THE COMPLAINT IS JUDICIALLY NOTICEABLE

Federal Rule of Evidence 201(b) permits a court to take judicial notice of any fact that is not subject to reasonable dispute because it: “(1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Courts within the District of Nevada, and elsewhere, routinely take judicial notice of complaints. *See Cai v. Switch, Inc.*, 2020 WL 3893246 (D. Nev. July 10, 2020); *In re Bello*, 2013 WL 2367796, *1 n. 3 (D. Nev. May 30, 2013) (“As a ‘matter[] of public record,’ Fed. R. Evid. 201, this court also takes judicial notice of the complaints before the Eighth Judicial District for the State of Nevada (‘Nevada state court’) referenced by defendants as exhibits, (ECF No. 107). However, this court does not take notice of the ‘disputed facts contained’ therein.”). Plaintiff offers Exhibit A not for the truth of any facts alleged therein, but for the actual allegations being evaluated by the Court in *Local Ad Link, Inc. v. AdzZoo, LLC*, 2009 WL 10694069 (D. Nev. Dec. 15, 2009). Thus, the Court may consider the Exhibit A in evaluating the instant motion.

For the reasons set forth above, Plaintiff respectfully requests that the Court consider

1 **Exhibit A** to the Lee Declaration.

2 Respectfully submitted,

3 Dated: January 12, 2024

FENWICK & WEST LLP

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5 By: /s/ Felix S. lee

6 Felix S. Lee

Christopher J. Steskal

7 Casey T. O'Neill

Claire Mena

8 *and*

9 Dated: January 12, 2024

FENNEMORE CRAIG, P.C.

10
11 By: /s/ John D. Tennert

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